

## Owens, Mike

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**From:** Owens, Mike  
**Sent:** Wednesday, July 06, 2016 4:00 PM  
**To:** 'martygray@utah.gov'  
**Cc:** Smith, Claudia; Law, Donald; Kinard, Sherrie  
**Subject:** RE: Permitting of a thermal process in Sandy, Utah

Marty,

Please see the inquiry below from Mr. Kevin Moore of Energy Transformation Partner LLC about Navitus. I'm wondering if you could help us reply.

Last time I checked in with you (a few weeks ago) about status of pre-construction permitting for the Navitus project, I believe you said the permit action and associated NSPS applicability determination were on hold, because you were waiting on more detailed information from Navitus about their proposed combustion process.

As I also recall, in early 2015, after you discussed the complexities of the NSPS applicability question with me and with Sherry Kinard of our compliance/enforcement office (and after we discussed it with EPA HQ), Sherry and I chose to defer to your office to try to figure out NSPS applicability, unless you decide at some point to ask us to help.

Mr. Moore indicates that EPA has already made an NSPS non-applicability determination for the Navitus project. I'm not aware of any such determination having been made by us. I think your office would have to ask us to make the determination before we could do so. Please confirm whether this is your understanding as well.

Overall, any suggestions you might have on how to reply to Mr. Moore would be appreciated, as I know your office has spent considerable effort researching this matter.

Thanks!

Mike Owens  
Environmental Engineer  
Air Program  
EPA Region 8  
303-312-6440

**From:** Smith, Claudia  
**Sent:** Wednesday, July 06, 2016 3:08 PM  
**To:** Owens, Mike <Owens.Mike@epa.gov>; Law, Donald <Law.Donald@epa.gov>  
**Subject:** FW: Permitting of a thermal process in Sandy, Utah

Mike/DJ,

I am not sure what, if anything our role is in this inquiry. I think this should go to Air Enforcement for an NSPS applicability determination. Is there a more appropriate group to forward this on to? Does Enforcement also do approvals of technologies?

Thanks,

Claudia

**From:** Kevin Moore [<mailto:kevin.moore@energytransformationpartners.com>]

**Sent:** Monday, June 27, 2016 2:43 PM

**To:** R8AirPermitting <[R8AirPermitting@epa.gov](mailto:R8AirPermitting@epa.gov)>

**Subject:** Permitting of a thermal process in Sandy, Utah

Greetings,

My name is Kevin Moore, and I am a partner with Energy Transformation Partners in Mt. Pleasant, SC. I am hoping that you can help me with a question that we have concerning a recent air permit which came under review in Utah.

Specifically, through the Division of Air Quality in the Department of Environmental Quality in the state of Utah, an Intent to Approve (ITA No. DAQE-IN149470001-14) was issued for a thermal treatment process in Sandy, Utah for the South Valley Recycling & Renewable Power Facility headed up by Navitus Sustainable Industries. The industrial process involved a zero oxygen, high-temperature technology (pyrolysis) used to recover energy from approximately 350 tons per day of MSW, producing a methane-rich gas to be used in generating electricity. The technology itself was developed by Tucker Engineering Associates in Locust, North Carolina.

We are a waste-to-energy technology research and development company, but also act as a technology consulting firm for certain projects when called upon. We have been working with the Tucker Engineering group for almost a year now, to determine if their technology would be appropriate for similar waste conversion situations. We were informed by the Tucker Engineering group that indeed there was an approval process for the technology that was nearing completion in Utah, but that your Region 8 offices needed to complete some due diligence with regards to oversight of the final approval. We were also informed that shortly afterwards, Region 8 was essentially of the opinion that the process would not be considered solid waste incineration, and therefore, would not be subject to the Title V operating permits program. In essence, this would all be centered around the precedent that pyrolysis, and similar starved-oxygen processes, are indeed determined to not be subject to the associated New Source Performance Standards for incineration or combustion of municipal and/or solid waste. Please feel free to correct any of this information that may be inaccurate.

We believe that any decision for applicability or compliance rendered by your region offices would be extremely useful to any project using the same technology as that proposed in Sandy, Utah. We are looking for any confirmation, comment or protest that you may have given or may have issued concerning the approval of the technology for the South Valley Recycling & Renewable Power Facility. In addition, any information at all that could validate the pending Intent to Approve as to the Region 8 support for the project would be very helpful.

If you need any further information, or if I can be of any assistance in providing any clarifications for the particulars we are seeking, please feel free to contact me at your convenience. Also, if my email is misdirected, could you please point me in the proper direction.

I really appreciate your time, and hope to hear from you soon.

Best regards,

Kevin M. Moore

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**Kevin M. Moore**  
Chief Operations Officer



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